

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)

Case No. 3:23-CV-3071
MDL-3071

LRO DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO STATE A
CLAIM

THIS DOCUMENT RELATES
TO ALL CASES

District Judge Waverly D. Crenshaw

**LRO DEFENDANTS' RULE 12(B)(6) MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Fifteen lessor Defendants (“LRO Defendants”)¹ file this Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) because Plaintiffs’ “First Amended Consolidated Class Action Complaint” fails to allege a plausible conspiracy involving the use of Lease Rent Options (“LRO”), as more fully addressed in the LRO Defendants’ Memorandum of Law in support of this Motion. Accordingly, Plaintiffs’ antitrust claims should be dismissed to the extent they seek relief under the antitrust laws for the Defendants’ use of LRO, and the LRO Defendants should be dismissed from the case with prejudice.

DATED: July 7, 2023

Respectfully submitted,

¹ Bell Partners, Inc.; Brookfield Properties Multifamily LLC; CONAM Management Corporation; Equity Residential; Independence Realty Trust, Inc.; Mid-America Apartment Communities, Inc.; Morgan Properties Management Company, LLC; The Related Companies, L.P.; Related Management Company, L.P.; Security Properties Inc.; Simpson Property Group, LLC; Thrive Communities Management, LLC; Windsor Property Management Company; WinnCompanies LLC; and WinnResidential Manager Corp.

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CERTIFICATE OF SERVICE

I, Carl W. Hittinger, served the foregoing Motion to Dismiss for Failure to State a Claim upon all counsel of record on July 7, 2023 by filing it electronically using the Court's CM/ECF system, which caused this document to be served on all Electronic Filing Users, as directed by Local Rule 5.02(c).

/s/ Carl W. Hittinger
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